

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:21-cv-513-RJC
(3:14-cr-82-RJC-DSC-4)**

CHRISTOPHER LEE GRIFFIN,)	
)	
Plaintiff,)	
)	
vs.)	
)	
UNITED STATES OF AMERICA,)	<u>ORDER</u>
)	
Defendant.)	
_____)	

THIS MATTER is before the Court on the United States’ Motion to Hold Petitioner’s Motion to Vacate in Abeyance (Doc. No. 3).

Petitioner filed a *pro se* Section 2255 Motion to Vacate Sentence in the instant case, raising claims of ineffective assistance of counsel. (Doc. No. 1). On September 29, 2021, the Court ordered the United States to respond to the Motion to Vacate. (Doc. No. 2). On September 30, 2021, a Notice of Appeal was transmitted to the Fourth Circuit in the underlying criminal case, Fourth Cir. Case No. 21-7401. (3:14-cr-82 (“CR”) Doc. No. 260). The appeal addresses two Orders: the Court’s denial of the Petitioner’s request to calculate the deadline for filing a § 2255 petition for him (CR Doc. No. 248), and its denial of the appointment of counsel for a § 2255 proceeding (CR Doc. No. 252).

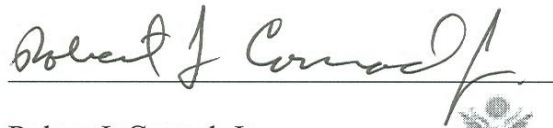
The United States asks the Court to hold this matter in abeyance pending the Fourth Circuit’s consideration of the criminal appeal, which could affect the § 2255 proceedings. (Doc. No. 3). Petitioner has not objected to the Motion and the time to do so has expired.

The Court finds that a stay of these proceedings is in the interest of justice and judicial economy. The Government will be required to file an answer, motion, or other response to the § 2255 Motion to Vacate within 30 days after the Fourth Circuit's decision is issued in Case No. 21-7401.

IT IS, THEREFORE, ORDERED that:

1. The United States' Motion to Hold Petitioner's Motion to Vacate in Abeyance (Doc. No. 3), is **GRANTED**.
2. This case is held in abeyance pending the Fourth Circuit's issuance of a decision Case No. 21-7401. The Government shall have **thirty (30) days** following the Fourth Circuit's issuance of its decision in Case No. 21-7401 to file an answer, motion, or other response to the § 2255 Motion to Vacate.

Signed: December 30, 2021


Robert J. Conrad, Jr.
United States District Judge

